

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DELBERT L. CHATMON,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 04-CV-440-DRH
vs.)	
)	CRIMINAL NO. 99-CR-40085
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255. Following a jury trial, Petitioner was found guilty of conspiracy to possess and distribute more than 50 grams of crack cocaine, a violation of 21 U.S.C. §§ 841(a)(1), 846. On February 20, 2002, he was sentenced to life imprisonment, 10 years supervised release if paroled, a fine of \$2500, and a special assessment of \$100. On appeal, the calculation of his sentence was affirmed. *United States v. Chatmon*, 324 F.3d 889 (2003). Petitioner then filed the instant motion under § 2255.

In his motion the Petitioner raises the following grounds for relief: (1) the Government suborned perjured testimony, (2) the Court erred in allowing a witness to invoke the Fifth Amendment's protection against self-incrimination, (3) trial counsel was ineffective in failing to argue for a buyer/seller jury instruction, (4) appellate counsel was ineffective in failing to raise the buyer/seller argument on appeal, and (5) trial counsel was ineffective in his cross-examination of the Government's witnesses.

The Court **ORDERS** the Government to file a response to Petitioner's motion within

THIRTY (30) DAYS of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED: August 9, 2005.

/s/ David RHerndon
DISTRICT JUDGE